

Steadfast in Protest



The Observatory
for the Protection
of Human Rights Defenders

ANNUAL REPORT 2010



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OBSERVATORY FOR THE PROTECTION
OF HUMAN RIGHTS DEFENDERS

OMCT / FIDH

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* BEIJING: An emotional and grieving Zheng Shuzhen (2nd left) is holding a portrait of her deceased grand-daughter Zhou Mengxin outside the Complaints Department of the Ministry of Health in Beijing on May 8, 2009. She denounces the fact that the child's death, which resulted from the 2008 tainted milk scandal, has never been dealt with appropriately by their local government in Zhoukou, Henan province. At least six babies died and nearly 300,000 fell ill in 2008 after they consumed milk powder contaminated by the industrial chemical melamine, which was mixed in to give the appearance of a higher protein content.

INTRODUCTION

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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*“A true society, where discussions and debates are an essential technique, is a society full of risks”*¹. Although written over thirty years ago, these words of Moses I. Finley strongly summarise the spirit of this twelfth Annual Report of the Observatory. Drawing up an inventory as accurate as possible of the situation of human rights defenders in the world in 2009, this report illustrates forcefully the difficulty and danger of promoting the exchange of ideas, pluralism, protection of fundamental freedoms and the democratic ideal, on all continents.

Who controls the civil society ensures the outcome of elections –
A motto of childlike simplicity that many States seem to have literally applied this year.

One who speaks of democracy and rule of law in contemporary societies immediately refers to the right of peoples to freely choose their leaders by vote. A right explicitly guaranteed by the Universal Declaration of Human Rights and which implementation requires the combination of different elements – respect for freedoms of association and expression, transparency, freedom of information, freedom of assembly – without which no election could be recognised as free and fair. So many elections took place worldwide in 2009, and many of these ballots did not meet these requirements. It is indeed clear, given the information we collected throughout the year, that these principles were often trampled upon or superbly ignored. Few leaders in authoritarian countries (but also in some countries said to be more “democratic”) have agreed to play the game of pluralism. On numerous occasions, on the contrary, we witnessed a muzzling of the opposition, media subservience and sometimes even blatant constitutional amendments, designed to maintain the power of Heads of States unwilling to pass on even a small part of their authority.

In recent years, Africa has seen many attempted coups, both at military and constitutional levels. In Latin America, for the first time since the fall of military dictatorships in the 1980s, a coup occurred in 2009 in *Honduras*, proving again that no situation can be definitely taken for granted.

1/ See Moses I. Finley, *Democracy Ancient and Modern*, 1973, Rutgers University Press. Non official transcription.

In such contexts, human rights defenders, who strive daily to ensure that rights and freedoms are guaranteed, were once again subjected to considerable pressure, when they did not pay with their lives for their commitment. The role they have played in these electoral processes, some of which were highly publicised, such as in *Tunisia*, *Iran* or *Nicaragua*, accentuated an already pronounced repression against them.

In addition, some States provided little or no space for the freedoms of association, assembly and expression. In some others, like *Saudi Arabia*, the establishment of independent human rights organisations is purely and simply prohibited. In *Libya*, the Criminal Code even provides the death penalty for anyone belonging to a banned group. Where these associations can exist legally, they must often operate in a highly restrictive regulatory framework, and remain under permanent control of the authorities. *Cambodia* remains for its part subject to a risk of similar restrictions through a draconian Bill on NGOs. In *Tunisia*, State-controlled organisations continue to prosper, in a country where independent human rights organisations and their members are subject to constant harassment. In the *Russian Federation*, the implementation of the promises to reform the Law on NGOs made by President Medvedev during the year – a reform that would enable facilitation of the work of civil society organisations – remained insufficient at the end of 2009.

Obviously, such practices have the effect of hindering the work of human rights defenders and organisations, especially at election time. In *Armenia* and *Azerbaijan* for instance, election observers were repressed or prevented from doing their work, while in *Nicaragua*, associations that denounced the rigging of the elections to renew Daniel Ortega's term in office were targeted by authorities throughout the year. Similarly, the authorities intensified the repression of defenders at the time of elections in *Uzbekistan* and *Kyrgyzstan*. In *Niger*, defenders and NGOs that were critical about the concentration of power in the hands of the executive branch experienced serious impediments to their activities. Many supporters were also assimilated to the opposition and found themselves at the forefront of the crackdown for opposing bad or flawed pre-election practices (*Mauritania*, *Nigeria*, *Republic of Congo*), for exposing post-election violence (*Kenya*, *Zimbabwe*), for calling for free elections (*Sudan*) and respect for democratic principles during an inter-institutional crisis (*Democratic Republic of Congo*). On every continent, serious attacks on freedom of assembly also took place during such periods, resulting again in reprisals against defenders. Thus, following the events of September 28, 2009, presidential guards violently dispersed the peaceful opposition demonstration to the candidacy of *de facto* President Moussa Camara Dadis in the presidential election in

Guinea-Conakry. Similarly, repression of post-election protests in *Iran* resulted in mass arrests in the ranks of Iranian human rights defenders and in *Burma*, the year 2009 was characterised by a campaign by the military junta to eradicate all opposition on the eve of the 2010 elections. Many defenders, journalists, union leaders and social workers were arrested and sentenced to severe penalties.

The media: a double-edged sword – Restrictive press codes, control and surveillance of emails, Law on Lese-Majesty in *Thailand*, or even, as in *Yemen*, establishment of a special tribunal for press offences: the range of measures to muzzle the media is extremely broad, which, among others, is sometimes resulting in forced self-censorship. While many journalists around the world play a significant role in promoting pluralism and the protection of human rights, this situation is indeed fragile and requires that the media remains free, accessible to all, and that journalists can work safely.

In some countries, like *Senegal*, freedom of the press saw a significant improvement, although the media is still subject to hassling. However, in *Somalia*, the *Russian Federation*, *Kenya* and *Sri Lanka*, many journalists were murdered or arbitrarily detained in 2009 for denouncing human rights violations. Other media – including foreign – were suspended, or agreements reached with their distributors, so that concerned emissions could no longer be accessible to local populations.

Moreover, when a country's press sector is totally controlled by those in power, it can be a formidable propaganda instrument in their hands, and a very effective tool for defamation against defenders. "Mercenaries", "spies", or "agitators", for example, are some of the many adjectives used in long columns in the Tunisian press to tarnish the image of independent journalists who denounced once again the lack of pluralism in presidential elections of October 2009. These highly virulent smear campaigns against defenders were also reported this year in *Niger*, *Sudan* and *Georgia* during pre-election periods.

Fragility of some intergovernmental mechanisms – Is it a coincidence that the protection mechanisms that have developed in recent years in some inter-governmental organisations are subject to repeated attacks from their member States? Many countries, like *Pakistan*, *Uzbekistan* or *Zimbabwe*, are still refusing entry to their territory to UN Special Procedures that have requested it, and thus contribute to the weakening of these independent special procedures. This hostility *vis-à-vis* the intergovernmental bodies can also be found within the UN Human Rights Council and at the

UN General Assembly, where the reports of some mechanisms are under increasingly virulent attack.

At the regional level, the situation is equally disturbing. Within the Organisation for Security and Cooperation in Europe (OSCE), *Russia* and some Central Asian countries make use of all their influence to stigmatise and discredit NGOs participating each year in the “Human Dimension Implementation Meetings”. At the head of the Organisation in 2010, *Kazakhstan* for its part did little in 2009 to improve the situation of human rights and their defenders, either within the institution or in its own country. Moreover, much remains to be done for the decisions of the African Commission on Human and Peoples’ Rights (ACHPR) to be effectively implemented by its member States, and the Commission remains extremely cautious to the idea of challenging certain States on the violations they commit. In Asia, the emerging mechanisms within the Association of Southeast Asian Nations (ASEAN) is meanwhile facing considerable challenges, and several years will likely be required so that it asserts its autonomy in the region. Furthermore, the policies of openness within the European Union (EU) *vis-à-vis* certain States such as *Uzbekistan* and *Belarus* were not successful, as evidenced by the lifting of sanctions towards these countries, which was – as expected – not accompanied by improvements in the situation of human rights and the protection of defenders. Finally, the degree of implementation of EU external policy instruments – such as its Guidelines on Human Rights Defenders – unfortunately continues to depend too often on political or economic considerations.

This Annual Report, which also addresses the situation of defenders in Western European countries, shows that even in the most accomplished democracies – or those which consider themselves as such – vigilance must remain the order of the day, and shows that the defence of fundamental rights can be questioned anytime, for purposes of efficiency of questionable policies, or of a greater control of social bodies. It shows how defenders, everywhere, play an important role as a bulwark against arbitrariness and abuse, and that they remain, more than ever, a cornerstone of the rule of law.

METHODOLOGY

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The 2010 Annual Report of the Observatory for the Protection of Human Rights Defenders presents an analysis by region of the situation in which human rights defenders operated in 2009. The analyses are followed by country fact-sheets, which provide for the political context that prevailed at the national level during the year, and the most prevalent forms of repression against defenders, which are duly illustrated by concrete cases. However, given the volume of information gathered for the “Western Europe” region, it was decided to treat cases of obstacles for defenders in an regional analysis rather than in separate fact-sheets, with the exception of Turkey.

The cases presented in the regional analyses and country fact-sheets reflect activities of alert, mobilisation and support carried out by the Observatory on the basis of information received from member organisations and partners of FIDH and OMCT¹. We would like to take this opportunity to express our appreciation and heartfelt thanks for their collaboration and their vital contributions.

This Annual Report is not exhaustive insofar as it relies on information received and addressed by the Observatory in 2009. In some States, systematic repression is such that it renders impossible any independent or organised activity of defence of human rights. In addition, some conflict situations also make it extremely difficult to isolate trends of repression that aim exclusively at human rights defenders. Situations that are not covered by country fact-sheets in this report are nevertheless referenced as much as possible in the regional analyses.

1/ See Annex 1, p. 500.

ACRONYMS MOST FREQUENTLY USED IN THE REPORT

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ACHPR	African Commission of Human and Peoples' Rights
ASEAN	Association of Southeast Asian Nations
AU	African Union
ECHR	European Court on Human Rights
EU	European Union
FIDH	International Federation for Human Rights
IACHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court on Human Rights
ICC	International Criminal Court
ILO	International Labour Organisation
HCR	United Nations High Commissioner for Refugees
LGBT	Lesbians, Gays, Bisexuals and Transgenders
NGOs	Non-Governmental Organisations
OAS	Organisation of American States
ODIHR	Office for Democratic Institutions and Human Rights
OHCHR	Office of the United Nations High Commissioner for Human Rights
OMCT	World Organisation Against Torture
OSCE	Organisation for Security and Cooperation in Europe
PACE	Parliamentary Assembly of the Council of Europe
UN	United Nations
UPR	Universal Periodic Review